

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Keith A.)
Darby, Sr.,)
)
Complainant,)
)
v.) Case No. 12-3030-EL-CSS
)
Duke Energy Retail Sales, LLC,)
)
Respondent.)

MOTION TO DISMISS OF
DUKE ENERGY RETAIL SALES, LLC

Now comes the Respondent, Duke Energy Retail Sales, LLC, (DER) and files its Motion to Dismiss in the above-referenced case. DER moves that this Complaint be dismissed as settled, pursuant to O.A.C. 4901-9-01(F), as more fully discussed in the Memorandum of Support attached hereto.

Respectfully submitted,

DUKE ENERGY RETAIL SALES, LLC



Jeanne W. Kingery
Associate General Counsel
155 East Broad Street, 21st Floor
Columbus, OH 43215
(614) 222-1330
Jeanne.Kingery@duke-energy.com

MEMORANDUM IN SUPPORT

Keith A. Darby, the complainant in the above-referenced proceeding, and Duke Energy Retail Sales, LLC (DER), the respondent in such proceeding, have resolved the issues raised in the complaint filed by Mr. Darby with the Public Utilities Commission of Ohio (Commission). The Commission's rules, as set forth in O.A.C. 4901-9-01(F), provide that a respondent utility may file a motion asserting that the complaint has been satisfied or that the case has been settled. The rule goes on to provide that the complainant has twenty days to file a written response agreeing or disagreeing with DER's assertions and that, if no response is filed, the Commission may presume that satisfaction or settlement has occurred and dismiss the complaint.

Pursuant to such provision, DER respectfully requests that the Commission dismiss the complaint in this proceeding.

Respectfully submitted,

DUKE ENERGY RETAIL SALES, LLC



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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Motion by mailing the same by regular U.S. Mail, postage prepaid, on this 18th day of December, 2012, to Keith A. Darby, 9 Peachtree Court, Fairfield, OH 45014.

A handwritten signature in cursive script, appearing to read "Jeanne W. Kingery".

Jeanne W. Kingery